

Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Absent—Excused.

Cousins. Moore.

Mrs. Beane Addresses Senate.

Senator Pace received unanimous consent to have Mrs. Wilhelmina Beane to address the Senate.

The Chair appointed Senators Pace and Martin to escort Mrs. Beane to the platform.

The Chair introduced Mrs. Beane who addressed the Senate.

Adjournment.

On motion of Senator Woodward, the Senate, at 11:18 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Sept. 30, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 13, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 29, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 27, A bill to be entitled "An Act to amend Article 2938 of the Revised Civil Statutes of Texas, 1925, relating to the appointment of election judge and clerks in election precincts where there are one hundred citizens, or more who have paid

their poll tax or received their certificate of exemption; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POAGE, Chairman.

Committee Room,
Austin, Texas, Sept. 29, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 28, A bill to be entitled "An Act to restore and confer upon the County Court of Duval County the civil and criminal jurisdiction belonging to said Court under the Constitution and General Statutes of Texas, and to define the jurisdiction of said court, and to conform the jurisdiction of the district court of said county to said change; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FELLBAUM, Chairman.

FOURTEENTH DAY

Senate Chamber,
Austin, Texas,
October 3, 1933.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. George C. Purl.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Holbrook:

S. B. No. 53 A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, during the fiscal years of 1933-34 and 1934-35, to be paid out of interest earned on the daily balances of 'Paying Fund of the Board of County and District Road Indebtedness,' and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Redditt:

S. B. No. 54, A bill to be entitled "An Act amending Section Eight (8), Nine (9) and Ten (10) of Chapter 186, General Laws of Texas, Thirty-ninth Legislature, Regular Session 1925. Said chapter providing for the construction and maintenance of State highways under the control of the State Highway Department, regulating the making of highway contracts and providing for security therefor; the sections so amended to be hereinafter set out in full and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator Redditt:

S. B. No. 55, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to pay out funds credited to the State Highway Fund premiums on surety bonds required by the Federal Government of the State Treasurer to secure funds advanced to the State of Texas under the National Industrial Recovery Act for expenditure by the State Highway

Department in the construction and improvement of State highways, and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator Cousins:

S. B. No. 56, A bill to be entitled "An Act to vest in the United States Government fee simple title to 20.8 acres of land in Jefferson County, Texas, more fully described herein; and declaring an emergency."

Read and referred to Committee on Internal Improvements.

By Senators Cousins, Redditt, Patton, Woodul, et al:

S. B. No. 57, A bill to be entitled "An Act authorizing navigation districts without the voting of bonds or levying of taxes to acquire, purchase, take over, construct, enlarge, extend, repair, maintain, operate or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants and facilities, lightering, barges, towing facilities and all other facilities or aids incident to or necessary toward the operation or development of ports or waterways within such districts, and to borrow money therefor from the Federal Emergency Administration of Public Works, or other department or agency of the United States Government, and to mortgage and encumber any part or all of such properties, plants, facilities and aids and the revenues and income to be derived therefrom to secure payment thereof, authorizing the issuance of obligations for the repayment thereof from such sources, authorizing the making of all contracts, leases and agreements in connection with such matters, providing if any part of this Act shall be held invalid it will not affect the remainder of the act, and declaring an emergency."

Read and referred to Committee on Internal Improvements.

By Senators Cousins, Redditt, Patton, Woodul, et al:

S. B. No. 58, A bill to be entitled "An Act to provide for the sale by the State to the City of Port Arthur, Texas, a municipal corporation, and its assigns, a certain tract or area of land situated in Jefferson County, Texas, same being submerged lands constituting a part of the bed of Sa-

bine Lake, retaining to the State all minerals therein; and declaring an emergency."

Read and referred to Committee on Internal Improvements.

By Senator Cousins:

S. B. No. 59, A bill to be entitled "An Act amending Chapter 220, Acts of the Forty-third Legislature, Regular Session, page 734, by adding thereto Section 5-B (Article 3886-B), providing for the maximum compensation of assistant county attorneys in all counties in this State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants, and containing two cities of fifty thousand (50,000) population or more, each according to the last preceding Federal census; providing for the compensation of assistant county attorneys in such counties; repealing all laws and parts of laws in conflict herewith; providing that this Act shall become effective on and after January 1, 1934; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Russek:

S. B. No. 60, A bill to be entitled "An Act fixing the salaries of county commissioners in every county in this State having a population of not less than 30,700 and not more than 30,725, according to the last preceding Federal census; providing for the manner of payment, and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

By Senator Duggan:

S. B. No. 61, A bill to be entitled "An Act amending Articles 2702, 2703, and 2724, of the Revised Civil Statutes of Texas, 1925, relating to the county unit system of Education; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Moore:

S. B. No. 62, A bill to be entitled "An Act amending Article 2688, Title 49, Chapter 11 of the Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, H. B. No. 904, Chapter 357, General Laws, of the Regular Session of the Forty-

second Legislature (same likewise appearing printed as H. B. No. 904, Chapter 212, page 426, Special Laws of the Regular Session of the Forty-second Legislature), and as further amended by Acts, 1932, H. B. No. 51, Chapter 21, pages 47 and 48, of the Third Called Session of the Forty-second Legislature, establishing the office of county superintendent of public instruction and providing that the commissioners court of every county which has three (3,000) thousand scholastic population or more, as shown by the preceding scholastic census, shall, at the next general election after 1934, and likewise each four years thereafter, provide for the election of a county superintendent of public instruction to serve for a term of four (4) years; providing educational and other qualifications and prescribing certification of such county superintendents, and providing that the commissioners court shall provide such official with an office in the court house and with necessary office furniture and fixtures and equipment; providing that the present term of office of all county superintendents heretofore elected or appointed shall continue until the next general election after 1934, hereinabove specified, and until their successors have been duly elected according to law and have duly qualified; providing for the appointment by the commissioners court, in every county which attains three (3,000) thousand scholastic population or more, of a county superintendent of public instruction who shall perform duties of such office until the election and qualification of his successor; providing that in counties having less than three (3,000) thousand scholastic population, whenever more than twenty-five (25%) per cent of the qualified voters of said county, as shown by the vote for Governor at the preceding general election, shall petition the commissioners court therefor, said court shall order an election for said county to determine whether or not the office of county superintendent of public instruction shall be created in said county, and providing that if a majority of the qualified property taxpaying voters at said election shall vote for the creation of the office of county superintendent of public instruction in said

county, the commissioners court, at its next regular term after the holding of said election, shall create the office of county superintendent of public instruction and name a county superintendent of public instruction who shall qualify under this chapter and hold such office until the next general election for such office under this article; providing that in counties having a scholastic population of between three (3,000) thousand and five (5,000) thousand scholastics, wherein the office of county superintendent of public instruction has not been created and a superintendent elected, then in such counties the question of whether or not such office is established shall be determined by the qualified voters of said county in a special election called therefor by the commissioners court of said county, upon petition therefor as herein specified; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senators Greer and Martin:
S. B. No. 63, A bill to be entitled "An Act making appropriation for the support and maintenance of the General Land Office and particularly making an appropriation for a special audit to be made by or under the direction of the Commissioner of the General Land Office of all books and accounts of oil companies relative to the bonus and rentals due on sold public school lands, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Parr:

S. B. No. 64, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, etc., and declaring an emergency."

Read and referred to Committee on Congressional Districts.

By Senator Duggan:

S. B. No. 65, A bill to be entitled "An Act amending Section 1 of Chapter 207, Acts of the Forty-third Legislature, so as to authorize the Highway Commission to institute condemnation proceedings on behalf of the State; and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senators Pace, Neal and Moore:
S. B. No. 66, A bill to be entitled "An Act amending Section 1 of Chapter 58 of the General Laws of the Forty-second Legislature, Regular Session, as amended by H. B. No. 878, known as Chapter 97 of the General Laws of the Forty-third Legislature, Regular Session, redefining marginal wells, and declaring an emergency."

Read and referred to Committee on State Affairs.

Petition Read.

Senator DeBerry sent up a letter relative to discounting State warrants to be read but not printed in the Journal.

S. C. R. No. 13.

Senator Woodward sent up the following resolution:

Whereas, Through an oversight the Coleman Independent School District failed to file with the Department of Education its claim for high school tuition within the time and in the manner as required by law; and,

Whereas, The high school tuition to which said independent district is entitled is in the sum of \$1,944.00; and,

Whereas, There are sufficient funds remaining in the \$1,620,041.00 special appropriation made at the Regular Session of the Forty-third Legislature to take care of and pay the high school tuitions due said Coleman Independent School District; and,

Whereas, By reason of said appropriation being itemized it is necessary to have consent of the Legislature to authorize the payment of said sum out of other items, now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the State Superintendent of Public Instruction be authorized to pay the Coleman Independent School District the sum of \$1,944.00 out of funds remaining in the special appropriation of \$1,620,041.00 made by the Forty-third Legislature at its Regular Session of 1933, same being Chapter 173, H. B. No. 242.

WOODWARD,

The resolution was read.

Senator Woodward received unanimous consent to have the rule requiring resolutions to be referred before consideration suspended.

The resolution was adopted.

S. C. R. No. 14.

Senator Rawlings sent up the following resolution:

Whereas, Heretofore the State of Texas, acting by and through its Highway Commission, after having duly and properly advertised for same, opened bids or proposals on M4D2, Highway No. 33, in Potter County, Texas, which called for certain road construction in Potter County, Texas; and,

Whereas, On opening such bids, it was found that Ernest Loyd was the lowest and best bidder and offered in his bid to do the work at a lower price than any other person, firm or corporation bidding on such project; and,

Whereas, Thereafter, the State of Texas, acting through its Highway Commission, awarded the contract for said road construction to Ernest Loyd; and,

Whereas, Ernest Loyd, either himself or through his sub-contractor, T. T. Thompson, did all the work called for under the contract and after the completion of the work, filed a claim against the State of Texas with the Highway Commission, asserting that the State had not fully paid him for all the work done in connection with the contract; and,

Whereas, The State of Texas, acting by and through its Highway Commission, has failed to pay said claim or any part thereof, and in many instances, the question of whether or not the State is liable is dependent upon fact findings which should be determined by a court or jury; and,

Whereas, Under the Constitution and laws of this State a suit cannot be maintained against the State of Texas without consent of the Legislature; and

Whereas, The Legislature desires to consent that Ernest Loyd may bring and maintain a suit in one of the District Courts of Travis County, Texas, on the above mentioned claim; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Legislature of the

State of Texas does hereby consent that Ernest Loyd may bring, maintain and prosecute a suit against the State of Texas in one of the District Courts of Travis County, Texas, on the above mentioned claim and permission is hereby granted the said Ernest Loyd to sue the State of Texas in one of the District Courts of Travis County, Texas, on said claim; be it further

Resolved That should Ernest Loyd recover a judgment against the State of Texas in such suit, the judgment thus obtained, if any, shall be paid by the State of Texas, through its Highway Commission out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas; be it further

Resolved, That Ernest Loyd shall give the necessary cost bond as in other civil suits and either party shall have the right of appeal from any judgment rendered in the court in which said suit may be filed; be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the Legislature has consented to such suit being filed and maintained on such claim and that permission has been granted the said Ernest Loyd by the Legislature of the State of Texas to bring the suit against the State on the above mentioned claim.

RAWLINGS.

The resolution was read.

Senator Rawlings received unanimous consent to have the rule requiring resolutions to be referred before consideration suspended.

The resolution was adopted.

Senator DeBerry asked to be recorded as voting "No."

Message from the House.

Hall of the House of Representatives,
Austin, Texas, October 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. B. No. 94, A bill to be entitled "An Act defining 'daily newspapers' or 'newspaper,' 'consecutive days' or 'successive days,' and words of sim-

lar meaning, within the meaning of any law, city charter, or ordinance, or any Act of the Legislature creating any independent school district or any other municipal corporation; etc., and declaring an emergency."

H. C. R. No. 20, Relative to funds being set aside to be used in connection with certain duties imposed upon the Board of Directors of A. & M. College.

H. C. R. No. 23, Relative to the reenactment of H. B. No. 231, so as to continue the benefits to be secured therefrom.

S. C. R. No. 12, Urging observance of October 12 as Columbus Day with proper exercises.

(With amendment.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk. House of Representatives.

Senate Simple Resolution No. 17.

Senator Pace sent up the following resolution:

Whereas, Hon. Carl L. Estes, a prominent newspaper publisher of East Texas and outstanding citizen of this State, is within the Capitol; now, therefore, be it

Resolved, That he be invited to address the Senate and be accorded the privileges of the floor.

PACE,
WOODUL,
NEAL.

Read and adopted.

Free Conference Granted.

On motion of Senator Sanderford, the Senate voted to grant the request of the House for a Free Conference Committee on H. B. No. 15.

Motion Concerning Memorial Services.

Senator Purl moved to hold the memorial services for the late Hon. Barry Miller at 10 o'clock a. m., October 10, and that a committee of three be appointed to make all arrangements. The motion prevailed.

H. C. R. No. 23.

The Chair laid before the Senate: H. C. R. No. 23, Relative to reenacting H. B. No. 231 (moratorium bill).

Senator Sanderford asked unanimous consent to take up the resolution without referring it.

Objection was heard.

Senator Russek moved to suspend the rule requiring resolutions to be referred before consideration. The motion was lost by the following vote:

Yeas—14.

Beck.	Neal.
Blackert.	Patton.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Hopkins.	Sanderford.
Martin.	Stone.

Nays—15.

Collie.	Pace.
Cousins.	Parr.
Duggan.	Poage.
Holbrook.	Purl.
Hornsby.	Regan.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	

Absent.

Small.	Woodward.
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The resolution was referred to the Committee on Civil Jurisprudence.

House Bills Referred.

H. B. No. 94, read and referred to Committee on Civil Jurisprudence.

H. C. R. No. 20, read and referred to Committee on Finance.

Motion to Concur.

On motion of Senator Woodul, the Senate concurred in the House amendment to S. C. R. No. 12.

Hon. Carl Estes Addresses the Senate.

The Chair appointed Senators Pace, Woodul, and Neal to escort Hon. Carl Estes to the platform.

The Chair introduced Senator Pace who introduced Mr. Estes. Mr. Estes extended to the Senate an invitation to attend the Rose Festival to be held at Tyler October 11 and 12.

S. C. R. No. 15.

Senator Sanderford sent up the following resolution:

Granting D. S. Campbell and children permission to sue the State of Texas.

Whereas, D. S. Campbell and children, citizens of the State of Texas,

and of Lubbock County, Texas, are joint owners of property known as lots one and two; eleven and twelve, in Block "B," O. T. Tyler addition to the Town of Salado, in Bell County, Texas, said property being on the West side of and abutting State Highway Number 2 and U. S. Highway Number 81, which said property has situated thereon a residence facing said highway and approximately twenty feet therefrom; and were the owners of said property in the years of 1930 and 1931, and for many years prior thereto; and,

Whereas, At all times heretofore said highway has been on a level with said lots up until the reconstruction of same; and,

Whereas, On or about March 1, 1931, the State Highway Department of Texas did rebuild, reconstruct and supervise the rebuilding and reconstruction of said highway in front of his property and did, without the consent of said Campbell construct a concrete bridge upon said highway abutting the southeast corner of said lots together with an approach thereto and that the elevation of said highway ranged from 10 feet at the northeast corner to an elevation of 12 feet at the southeast corner above said lots. That the elevation of said highway destroyed the market value of said property, and rendered it uninhabitable, injured and destroyed the easement of ingress and egress, light, view and air belonging to said property by reason of its abutting on the said road and by reason of it having enjoyed the same since the year 1898; and,

Whereas, The State of Texas, acting by and through its Highway Commission, has failed and refused to pay said claim or any part thereof; and,

Whereas, The said Campbell contends that the construction of said elevation upon said highway immediately in front of his property in the manner stated is an unwarranted taking of his property for public use, against his consent, without compensation, and in violation of the Constitution of the State; and,

Whereas, Under the laws of this State a suit cannot be maintained against the State of Texas without the consent of the Legislature; and,

Whereas, The Legislature desires to consent that the said D. S. Campbell and all joint owners of said property may bring a joint suit as plaintiffs in a court of competent jurisdiction on the above mentioned claim; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the said D. S. Campbell and children, joint tenants, be, and they are hereby granted permission to bring suit against the State of Texas, in the District Court of Bell County, Texas, the county in which such injury, if any, occurred in order to determine what damages, if any, they sustained, at any time within two years from the date hereof, and that said cause of action shall not be barred by limitation until two years from and after such date; and that in case such suit is filed, service of citation or other necessary process be had upon the Attorney General of the State of Texas, and the Chairman of the Highway Commission of the State of Texas, and that same have the same force and effect as made and provided in civil cases, and that if any judgment is recovered thereon it shall be paid by the State through its Highway Commission together with costs of suit out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas.

SANDERFORD.

The resolution was read.

Senator Sanderford received unanimous consent to have the rule requiring resolutions to be referred before consideration suspended.

The resolution was adopted.

S. C. R. No. 16.

Senator Greer sent up the following resolution:

Whereas, S. B. No. 242, Chapter 173, Acts of the Forty-third Legislature, Regular Session, provided an emergency appropriation for salary aid; high school tuition aid; transportation aid; tax supplemental aid; high school tuition per capita aid; and consolidated bonus aid to rural school districts; and,

Whereas, Brownsboro Independent School District is eligible to participate in the benefits of said bill from

the consolidation bonus aid to the extent of \$300.00; and,

Whereas, It was the intention of the Legislature in passing S. B. No. 242 to care for all school districts eligible to receive aid under said bill; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Superintendent of Public Instruction be, and he is hereby authorized to pay over to the trustees of Brownsboro Independent School District the sum of \$300.00 out of any funds that may be unexpended from the deficiency appropriation provided in S. B. No. 242, Chapter 173, Acts of the Forty-third Legislature, Regular Session.

GREER.

The resolution was read.

Senator Greer received unanimous consent to have the rule requiring resolutions to be referred before consideration suspended.

The resolution was adopted.

Messages from the Governor.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in First Called Session:

At the request of a majority of the Senate, I submit herewith for your consideration a bill to be entitled: "An Act amending Section 1, Chapter 207, Acts of the Forty-third Legislature so as to authorize the Highway Commission to institute condemnation proceedings on behalf of the State."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in First Called Session:

At the request of Honorable Charley Lockhart, State Treasurer, I am submitting herewith for your consideration a bill to amend Chapter 1, Title 47 of the Revised Civil Statutes of 1925, providing for disposition of surplus State funds by the State Depository Board.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in First Called Session:

At the request of Senator W. M. Martin, I submit herewith for your consideration the attached bill being "An Act making appropriation to pay contingent expenses of State Prosecuting Attorney before the Court of Criminal Appeals."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in First Called Session:

By request of Senator Will Pace and Representative Ben Cathey and other members of the House, I submit herewith for your consideration a bill, hereto attached, to be entitled: "An Act making an appropriation of Twelve Hundred Fifty Dollars with which to purchase the building used and occupied by James Stephen Hogg in his early public career."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in First Called Session:

By request of Representatives Tennyson and Harmon and other members of the House, I submit for your consideration a bill, hereto attached, to be entitled: "An Act making an additional allocation and appropriation of the revenues derived from the tax levied and collected on the gross sales of gas transmission lines by the provisions of Article 6060, Revised Civil Statutes, for the use of the Gas Utilities Division of the Railroad Commission in enforcing the provisions of Articles 6050 et seq., Revised Civil Statutes, relative to the regulation of gas utilities."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 3, 1933.
To the Forty-third Legislature in First Called Session:

By request of Representatives Coombes, I submit for your consid-

eration a bill, hereto attached, to be entitled: "An Act appropriating Twenty-five Thousand Dollars to purchase anti-rabic serum for issuance to public health officers of cities and counties in this State, to be used to treat indigent persons only where an epidemic of rabies exists."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 3, 1933.
To the Forty-third Legislature in
First Called Session:

By request of Representative Pope, I submit for your consideration a bill, hereto attached, to be entitled: "An Act to amend Article 8244 of the Revised Civil Statutes of 1925 governing the selection of depositories by all navigation districts whether created pursuant to Section 52, Article 3 of the Constitution, or Section 59, Article 16 of the Constitution; defining the powers of navigation and canal commissioners in the selection of such depositories; defining the powers and obligations of such depositories."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 3, 1933.
To the Forty-third Legislature in
First Called Session:

By request of Representative Pope, I submit for your consideration a bill, hereto attached, to be entitled: "An Act to amend Article 2673 of the Revised Civil Statutes of 1925, as amended by Section No. 1, of Chapter 278 of the Acts of the Forty-first Legislature in 1929, defining certain powers of the State Board of Education, defining certain powers of cities, towns; counties, school districts, and navigation districts and other defined districts and political subdivisions, whose bonds are held by the State Board of Education."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in
First Called Session:

By request of Senators Cousins and Redditt, and Representatives

Nicholson, McKee and McDougald, I submit for your consideration a bill hereto attached to be entitled: "An Act to vest in the United States Government fee simple title to 20.8 acres of land in Jefferson County, Texas, more fully described herein."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 3, 1933.
To the Forty-third Legislature in
First Called Session:

By request of Senator Redditt, I submit for your consideration the following Bills, hereto attached, to be entitled "An Act authorizing and empowering the State Highway Commission to pay out funds credited to the State Highway Fund premiums on surety bonds required by the Federal Government of the State Treasurer to secure funds advanced to the State of Texas under the National Industrial Recovery Act for expenditure by State Highway Department in the construction and improvement of State Highways."

"An Act amending Sections 8, 9, and 10 of Chapter 186, General Laws of Texas, Thirty-ninth Legislature, Regular Session 1925. Said chapter providing for the construction and maintenance of State Highways under the control of the State Highway Department, regulating the making of highway contracts and providing for security therefor."

"An Act to amend Section 14, Chapter 186, S. B. No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, S. B. No. 24, passed at the Third Called Session, Forty-first Legislature, as amended by Chapter 79, S. B. No. 82, passed at the Fifth Called Session, Forty-first Legislature, as amended by Chapter 207, S. B. No. 531, passed at the Regular Session, Forty-third Legislature, so as to correct the reference to Article 6674n, in Section 1, Chapter 207, Acts of Regular Session, Forty-third Legislature, and making same refer to Section 14, Chapter 186, S. B. No. 74, passed at the Regular Session, Thirty-ninth Legislature."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in
First Called Session:

By request of Senator Parr and
Representatives Pope and Celaya, I
herewith submit for your considera-
tion a bill to be entitled: "An Act to
apportion the State of Texas into
Congressional Districts, naming the
counties composing the same." This
is submitted, however, with all rights
reserved.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in
First Called Session:

By request, I submit for your con-
sideration a bill hereto attached to
be entitled: "An Act to relieve the
distressed condition of the common
and independent school districts of
Cameron, Hidalgo, and Willacy
Counties, due to the damage and de-
struction wrought to the public
school buildings and equipment of
such common and independent school
districts, by the tropical hurricane of
September 4 and 5, and that of
August 4, 1933."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in
First Called Session:

By request I herewith submit for
your consideration a bill hereto at-
tached to be entitled: "An Act
amending Section 7 of Chapter 13
of the Third Called Session of the
Forty-second Legislature as amended
by S. B. No. 300, passed by the Reg-
ular Session of the Forty-third Leg-
islature, by adding thereto Section
(a-1) relating to payment of refund-
ing eligible obligations of counties
and defined road districts."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in
First Called Session:

By request of Senator W. M.
Martin, I submit for your considera-
tion the attached bill to be entitled:

"An Act to repeal Section 12, Chap-
ter 55, Special Laws of the Regular
Session of the Forty-third Legisla-
ture."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 3, 1933.
To the Forty-third Legislature in
First Called Session:

At the request of the Comptroller's
Department, I herewith submit for
your consideration S. C. R. By Sen-
ator Purl authorizing the Comp-
troller "when the appropriation for
fees of county attorneys, justices of
peace, sheriffs and constables in ex-
amining trials, where indictments
are returned is exhausted to draw
his warrant in payment of such fee
claims against the appropriation for
fees and costs of sheriffs, attorneys
and clerks in felony cases as made
for the fiscal years ending August
31, 1933, and August 31, 1934, and
August 31, 1935, respectively."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 3, 1933.
To the Forty-third Legislature in
First Called Session:

At the request of Senators Margie
E. Neal and Will D. Pace, I submit
for your consideration the attached
bill to be entitled: "An Act amend-
ing Section 1 of Chapter 58 of the
General Laws of the Forty-second
Legislature, Regular Session, as
amended by H. B. No. 878, known
as Chapter 97 of the General Laws
of the Forty-third Legislature, Regu-
lar Session, redefining marginal
wells."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in
First Called Session:

By request, I herewith submit for
your consideration a bill hereto at-
tached to be entitled: "An Act to
permit any county one or more of
the boundaries of which is coincident
with any part of the international
boundary between the United States
and Mexico, or any county contiguous
to any county of such described

class, by resolution of the county commissioners' court of any such county, to agree: (1) to indemnify and save harmless the United States of America, its officers, agents and employees, on account of damage or claims to damage by whomsoever asserted, arising out of or connected with entry upon, occupancy, construction upon, or exercise of rights in and to lands or rights in lands situated in any one or more of said class of counties by the United States, its officers, agents, and employees, in connection with construction, reconstruction, extension, alteration, improvement, maintenance and operation of flood control works; (2) to procure such releases and waivers of claim and to make such showing as to title being vested in any such county to lands and rights in lands situated in any county of said class needed for such flood control works as may be required by the United States; (3) to acquire and convey to the United States upon request therefor, the title to any such lands or rights therein, situated in any county of said class, necessary for such flood control works, etc."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in First Called Session:
By request of Representatives Kyle, Reed, Wagstaff and Burns, I submit for your consideration the attached bill being "An Act providing that designated State Highways traversing incorporated cities and towns of this State having a population of less than ten thousand inhabitants, shall be maintained at the expense of the State and such expense to be paid out of the Highway Maintenance Fund, and providing further that it shall be the duty of the Highway Department to maintain such highway."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in First Called Session:
By request, I submit for your consideration a bill hereto attached to

be entitled: "An Act to authorize certain counties, cities, towns, independent school districts, common school districts, water improvement districts, water control and improvement districts, navigation districts, drainage districts, and other municipal corporations; and non-profit private corporations, authorized and existing under the Constitution and Laws of this State, to borrow money, and to receive grants and other aid from the government of the United States, the Federal Emergency Administrator of Public Works, the Reconstruction Finance Corporation, the Federal Reserve Banks, and any and all other fiscal agencies of the government of the United States, authorized to make loans or grants; etc."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-eighth Congress of the United States of America, at its First Session, which amendment empowers the Congress to limit, regulate, and prohibit the labor of persons under 18 years of age.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 8.

Senator Neal called up from the table:

S. C. R. No. 8, Requesting the Governor to submit legislation relative to the Texas Centennial.

Senator Moore raised the point of order that the resolution was laid on the table and was not subject to call.

The Chair, Lieutenant Governor Edgar E. Witt, held that the resolution was laid on the table subject to call and could be called up.

Recess.

On motion of Senator Small, the Senate, at 11:45 o'clock a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 15, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Laird, Chastain, Wells, James, and Aikin.

The House has passed the following bill:

H. B. No. 12, A bill to be entitled "An Act amending and re-enacting Sub-sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, of Chapter 166, of the Acts of the Forty-third Legislature, being H. B. No. 167, pages 428-433, of the Session Acts of the Forty-third Legislature; appropriating from State funds \$1,260 to defray operating expenses of the Racing Commission for the period ending December 31, 1933; providing that the appropriations made by the Forty-third Legislature for the Department of Agriculture shall not be drawn upon unless the funds in the 'Special Racing Fund' shall be insufficient or unavailable; creating a Racing Commission of three members, to consist of the Commissioner of Agriculture, State Tax Commissioner, and a chairman to be appointed by the Governor; authorizing the Commission to appoint a secretary and other officers and employees; fixing the compensation of the Commissioners and certain employees, and defining the powers and duties of the Commissioners; etc., and declaring an emergency."

(With engrossed rider.)

The House has passed the following resolutions:

S. C. R. No. 13, Authorizing the State Superintendent of Public Education to pay certain funds out of deficiency appropriations from S. B. No. 242, to Coleman Independent School District.

H. C. R. No. 25, Granting a leave of absence to the State Health Officer and staff to assist in the control of threatened infectious diseases in the sections recently visited by hurricanes in and near Tampico, Mexico.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. B. No. 37 Re-referred.

On motion of Senator Beck, S. B. No. 37 was re-referred to the Committee on Finance.

H. C. R. No. 25.

The Chair laid before the Senate:

H. C. R. No. 25, Relative to assistance by Texas State Health Officer and staff in the emergency at Tampico, Mexico.

The resolution was read.

By unanimous consent the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

Senate Conferees Appointed.

The Chair announced the appointment of the following Senate conferees on H. B. No. 15:

Sanderford, Pace, Woodul, Regan, and Purl.

Messages From the Governor.

Executive Office,

Austin, Texas, Oct. 3, 1933.

To the Forty-third Legislature in First Called Session:

By request of Representative Dunagan, I submit for your consideration a bill, hereto attached, to be entitled: "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 22,296 nor more than 22,580, according to the last Federal census, and providing for the manner and the fund from which said salaries shall be paid."

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, Oct. 3, 1933.
To the Forty-third Legislature in
First Called Session:

By request of Representatives Nicholson, McDougald, and McKee, I submit for your consideration a bill hereto attached, to be entitled: "An Act amending Article 1041 of the Revised Code of Criminal Procedure of Texas by adding thereto Article 1041-A, providing for the compensation of jailers in all counties in the State having a population of One Hundred Thousand and One inhabitants and not more than One Hundred and Fifty Thousand inhabitants, and containing two cities of Fifty Thousand population or more each according to the last preceding federal census."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, Oct. 3, 1933.
To the Forty-third Legislature in
First Called Session:

At the request of Representatives Greathouse, Patterson, Shannon and Renfro, I submit for your consideration the question of authorizing Ralph Bowers to sue Tarrant County for damages received while he was in the employ of that county.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, Oct. 3, 1933.
To the Forty-third Legislature in
First Called Session:

At the request of Representatives Holland, Bradley, Morse, Mathis and Moore, I submit for your consideration a bill, hereto attached, to be entitled: "An Act to amend Article 1970, Section 94-b of the Revised Civil Statutes of 1925, as amended by Chapter 16, Section 6, of the Acts of the Forty-first Legislature relating to the salary paid the Official Court Reporter of the County Court at Law, of Harris County."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Senate Simple Resolution No. 19.

Senator Hornsby sent up the following resolution:

Whereas, Misses Roberta Little of League City, Texas, and Marjorie Todd of Austin; Granville Price of Austin, Abercrombie Holmes of Abilene, Bill Bedell of Tyler, Malcolm Peck of Houston, Olney Davis of Tyler, Martin Simonton of Montgomery, Jimmy McKinney of Austin, Jimmy LaRoche of Waco, Lester Springer of Austin, Richard Morehead of Austin, Don Crain of Austin and A. Marks of Houston, are members of the class in School of Journalism in The University of Texas and are now visiting the Capitol and are anxious to attend a session of the Senate; therefore be it

Resolved, by the Senate of the State of Texas, That these splendid young Texans be cordially invited to pay us a visit and are accorded the privileges of the floor.

HORNSBY.

Read and adopted.

S. C. R. No. 8.

The question recurred upon S. C. R. No. 8.

Senator Hornsby moved to reconsider the vote by which the previous question was ordered.

Senator Pace raised the point of order that more than one legislative day had elapsed since the previous question was ordered and the motion to reconsider came too late.

The Chair, Lieutenant Governor Edgar E. Witt, held that, in view of the fact that the resolution had been laid on the table subject to call, after the previous question was ordered, the previous question was no longer in effect.

Senator Moore moved to refer the resolution to the Committee on Finance and to invite the Texas Centennial Commission to appear before the Finance Committee in connection with the hearing on the resolution. The motion prevailed.

Senate Bill No. 28.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Parr:

S. B. No. 28, A bill to be entitled "An Act to restore and confer upon the County Court of Duval County the civil and criminal jurisdiction belonging to said court under the

Constitution and General Statutes of Texas, and to define the jurisdiction of said court, and to conform the jurisdiction of the district court of said county to said change, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 28 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Neal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Woodruff.
Martin.	Woodul.

Nays—2.

DeBerry. Purl.

Present—Not Voting.

Moore.	Small.
Murphy.	Stone.
Oneal.	Woodward.
Poage.	

Senate Bill No. 38.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senators Redditt and Cousins:

S. B. No. 38, A bill to be entitled "An Act creating 'Lower Neches Valley Authority,' a conservation and reclamation district under and with the powers provided in Section 59, of Article 16, of the Constitution, to conserve, control and utilize storm and flood waters of the Neches River and its tributaries, except said district shall have no power of taxation nor right to create any debt payable out of taxation, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Redditt sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 38 by striking out all below the enacting clause and inserting the following:

Section 1. That there shall be and is hereby created a conservation and reclamation district by the name of "Lower Neches Valley Authority," which district is created as a governmental agency, body politic and corporate, vested with all the authority as such under the Constitution and laws of the State; and which shall have and be recognized to exercise all of the powers of such governmental agency and body politic and corporate as are expressly authorized in the provisions of the Constitution, Section 59 of Article 16, for districts created to conserve, store, control, preserve, utilize and distribute the storm and flood waters and the waters of the rivers and streams of the State, and such powers as may be contemplated and implied by the purposes of this provision of the Constitution, and as may be conferred by general law, as well as by the provisions of this Act, except nothing herein contained shall authorize said district to levy any taxes or special assessments, or to create any debt payable out of taxation; and said district shall have and be recognized to exercise all the rights and powers of an independent governmental agency, body politic and

corporate, to construct, maintain and operate, in the valleys of the Neches River and its tributaries, within or without the boundaries of such district, any and all works deemed essential to the operation of the district and for its administration in the control, storing, preservation and distribution to all useful purposes of the waters of the Neches River and its tributary streams, including the storm and flood waters thereon; and such district shall have and be recognized to exercise such authority and power of control and regulation over such waters of the Neches River and its tributaries as may be exercised by the State of Texas, subject to the provisions of the Constitution and the Acts of the Legislature.

Sec. 2. The territory which shall be embraced within the boundaries of said "Lower Neches Valley Authority" shall be that part of the State of Texas defined as follows: All of Jefferson, Hardin and Tyler Counties, a strip of land ten (10) miles in width off the eastern end of Liberty County (the west line of said strip being parallel to and ten (10) miles west of the extreme eastern boundary line of Liberty County), and a strip of land fifteen (15) miles in width off the east side of Chambers County (the west line of such strip being parallel to and fifteen (15) miles west of the eastern boundary line of Chambers County).

Sec. 3. The management and control of all of the affairs of such district shall be vested in a Board of Directors, consisting of seven members, all of whom shall be freehold property taxpayers and legal voters of such district. Such Board of Directors shall be appointed by the State Board of Water Engineers as soon as practicable after the passage of this Act, three members thereof to be appointed for a term of two (2) years, two members thereof to be appointed for a term of four (4) years, and two members thereof to be appointed for a term of six (6) years, and upon the expiration of the respective terms of said directors the successors of each and all of them shall be appointed thereafter for a term of six (6) years. The directors shall hold office after their appointment and

qualification until their successors shall be appointed and qualified, unless sooner removed by a majority vote of the State Board of Water Engineers. Should any vacancy occur in the Board of Directors, the same shall be filled in like manner by the State Board of Water Engineers for the unexpired term. The directors appointed shall, within fifteen (15) days after their appointment, qualify by taking the official oath and filing a good and sufficient bond with the State Board of Water Engineers; the official bond of each director, to be in the sum of Five Thousand (\$5,000.00) Dollars shall be payable to the district, shall be conditioned upon the faithful performance of their duties as such directors, and shall be subject to approval by the State Board of Water Engineers. A director may be employed as general manager and at such compensation as may be fixed by the majority of other directors, and when so employed he shall continue to perform the duties of a director, but shall receive no compensation as such director.

Sec. 4. The directors of the district shall organize by electing one of their members president, one vice-president and one secretary. Four directors shall constitute a quorum at any meeting and a concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the district, except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of five directors. Warrants for the payment of money may be drawn and signed by two officers or employees designated by standing order entered on the minutes of the directors when such accounts have been contracted and ordered paid by the Board of Directors.

Sec. 5. The directors of the district shall require all officers and employees who shall be charged with the collection or paying or handling of any funds of the district under their orders, to furnish good and sufficient bonds, with a duly authorized surety company as surety thereon, payable to the district, conditioned upon the faithful performance of their duties and accounting for all funds and property of the dis-

trict coming into their hands, which bonds shall be in sufficient sums to safeguard the district.

Sec. 6. The president shall preside at all meetings of the Board and shall be the chief executive officer of the district. The vice-president shall act as president in case of the absence or disability of the president. The secretary shall act as secretary of the Board of Directors and shall be charged with the duty of seeing that all records and books of the district are properly kept. In the case of the absence or inability of the secretary to act, a secretary pro tem shall be selected by the directors. The directors shall hold regular meetings at the office of the district on the first Monday in February, May, August and November of each year at 10 o'clock a. m., and may hold other meetings at such other times as the business of the district may require.

Sec. 7. The directors shall receive as fees of office the sum of not to exceed Ten (\$10.00) Dollars per day for each day of service necessary to discharge of their duties, provided such service is authorized by vote of the Board of Directors. They shall file with the secretary a verified statement showing the actual number of days of service each month on the last day of the month, or as soon thereafter as possible and before a warrant shall be issued therefor.

Sec. 8. The directors shall keep a true and full account of all their meetings and proceedings and preserve their minutes, contracts, records, notices, accounts, receipts and records of all kinds in a fireproof vault or safe. The same shall be the property of the district and subject to public inspection. A regular office shall be established and maintained for conduct of the district business within the district.

Sec. 9. A complete book of accounts shall be kept. The account books and records of the district and of the depository of the district shall be audited by a certified public accountant annually as soon as practicable after the expiration of each year, such audit to cover the preceding calendar year, and report thereon shall be submitted to the first regular meeting of the Board of Directors thereafter. Said report

shall be in quadruplicate, one copy being filed in the office of the district, one with the depository of the district, one in the office of the auditor and one with the State Board of Water Engineers, all of which shall be open to public inspection.

Sec. 10. The directors may employ a general manager for the district and may give him full authority in the management and operation of the district affairs (subject only to the orders of the Board of Directors). The term of office and compensation to be paid such manager and all employees shall be fixed by the Board of Directors and all employees may be removed by the Board.

Sec. 11. All bonds required to be given by directors, officers and employees of the district shall be executed by a surety company authorized to do business in the State, as surety thereon; and the district shall be authorized to pay the premiums on such bonds.

Sec. 12. No director of any such district, engineer or employees thereof shall be, directly or indirectly, interested either for themselves or as agents for any one else in any contract for the purchase or construction of any work by said district, and if any such person shall, directly or indirectly, become interested in any such contract, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not to exceed One Thousand (\$1,000.00) Dollars, or by confinement in the county jail not less than six months nor more than one year, or by both fine and imprisonment.

Sec. 13. The said district shall have and be recognized to exercise, in addition to all the hereinbefore mentioned powers, for the conservation and beneficial utilization of said waters, the power of control and employment of such waters of the Neches River and its tributaries, including the storm and flood waters thereof, in the manner and for the particular purposes hereinafter set forth:-

(a) To provide through practical and legal means for the control and the coordination of the regulation of the waters of the Neches River and its tributary streams.

(b) To provide by adequate or-

ganization and administration for the preservation of the equitable rights of the people of the different sections of the watershed area in the beneficial use of the waters of the Neches River and its tributary streams.

(c) For storing, controlling and conserving the waters of the Neches River and its tributaries within and/or without such district, and the prevention of the escape of any of such waters without the maximum of public service; for the prevention of devastation of lands from recurrent overflows, and the protection of life and property in such district from uncontrolled flood waters.

(d) For the conservation of the waters of the Neches River and its tributaries essential for the domestic uses of the people of the district, including all necessary water supplies for cities and towns.

(e) For the irrigation of all lands in said district and/or lands without said district but within said watershed area, where irrigation is required for agricultural purposes, or may be deemed helpful to more profitable agricultural production; and for the equitable distribution of said waters to the regional potential requirements for all uses, domestic, manufacturing and irrigation. All plans and all works provided by said district, and as well, all works which may be provided under authority of said district, shall have primary regard to the necessary and potential needs for water, by or within the area in such district constituting the watershed of the Neches River and its tributary streams.

(f) For the better encouragement and development of drainage systems and provisions for drainage of lands in the valleys of the Neches River and its tributary streams needing drainage for profitable agricultural production; and drainage for other lands in the watershed area of the district requiring drainage for the most advantageous use.

(g) For the purpose of encouraging the conservation of all soils against destructive erosion and thereby preventing the increased flood menace incident thereto.

(h) To control and make available for employment said waters in the development of commercial and

industrial enterprises in all sections of the watershed area of the district.

(i) For the control, storing and employment of said waters in the development and distribution of hydroelectric power, where such use may be economically coordinated with other and superior uses, and subordinated to the uses declared by law to be superior.

(j) And for each and every purpose for which flood and storm waters when controlled and conserved may be utilized in the performance of a useful service as contemplated and authorized by the provisions of the constitution and the public policy therein declared.

(k) To purchase and/or construct all works necessary or convenient for the exercise of the powers and to accomplish the purposes specified in this Act, and to purchase or otherwise acquire all lands and/or other property necessary or convenient for carrying out any such purposes.

(l) The right of eminent domain is expressly conferred upon such district to enable it to acquire the fee simple title to, and/or easement or right-of-way over and through, any and all lands, water or lands under water, private or public, within and without such district, necessary or convenient to carry out any of the purposes and powers conferred upon such district by this Act. All such condemnation proceedings shall be under the direction of the directors and in the name of the district, and the assessment of damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the statutes of this State as provided in the title of the Revised Statutes relating to "Eminent Domain."

(m) The Board of Directors of said district shall prescribe fees and charges to be collected for the use of water, water connections or other service, which fees and charges shall be reasonable and equitable and fully sufficient to produce revenues adequate to pay, and said Board of Directors shall cause to be paid therefrom:

(1) All expenses necessary to the operation and maintenance of the improvements and facilities of said district. Such operating and maintenance expenses shall include the

cost of the acquisition of properties and materials necessary to maintain said improvements and facilities in good condition and to operate them efficiently, necessary wages and salaries of the district, and such other expenses as may be reasonably necessary to the efficient operation of said improvements and facilities.

(2) The annual or semi-annual interest upon any obligations issued hereunder payable out of the revenues of said improvements and facilities.

(3) The amount required to be paid annually into the sinking fund for the payment of any obligations issued hereunder payable out of the revenues of said improvements and facilities.

No other charge shall be made upon the revenues derived from said improvements and facilities so long as any obligations issued hereunder shall remain outstanding and unpaid as to principal or interest; provided, however, that out of revenues which may be received in excess of those required for the purposes listed in the above sub-paragraphs (1), (2) and (3), the Board of Directors may pay the cost of improvements and re-placements not covered by said sub-paragraph (1), and may establish a reasonable depreciation and emergency fund.

It is the intent of this Act that the fees and charges of such district shall not be in excess of what may be reasonably necessary to fulfill the obligations imposed upon said district by this Act.

(n) Such district through its Board of Directors, shall have the right to employ managers, engineers, attorneys, and all necessary employees to properly construct, operate and maintain said works and carry out the provisions of this Act and to pay reasonable compensation fixed by the Board of Directors for such services.

(o) Such district, in addition to the powers hereinabove set out, shall have general power and authority to make and to enter into all contracts, leases and agreements necessary or convenient to carry out any of the powers granted in this Act, which contracts, leases and agreements may be entered into with any person, real or artificial, any corporation, municipal, public or private,

and/or any government or governmental agency, including the United States Government and the State of Texas, and may convey or cause to be conveyed any of its properties, rights, lands, tenements, easements, improvements, reservoirs, dams, canals, plants, laterals, works and facilities to the United States Government or any agency thereof, and may enter into a lease with the United States Government, or any agency thereof, relative thereto, and obligate itself to pay rental therefor out of the income and revenues thereof, with or without the privilege of purchase; provided, however, that nothing herein contained shall authorize the assumption by such district of any obligation requiring payment out of taxes. Any and all such contracts, leases and agreements herein authorized shall be approved by resolution of the Board of Directors of such district, and shall be executed by the president and attested by the secretary thereof.

(p) Such district shall have the right to sue and be sued.

(q) Before such district shall establish a diversion point, construct the canals, pumping plants and other works herein provided for, it shall present to the Board of Water Engineers of the State of Texas, or such other agency performing the functions now performed by the Board of Engineers, plans and specifications of the same and obtain the approval of such Board.

Sec. 14. The powers and duties herein devolved upon the said district shall be subject to the continuing rights of supervision by the State which shall be exercised through the State Board of Water Engineers, and in appropriate instances, by the State Reclamation Engineer, each of which agencies shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the district for the achievement of the plans and purposes intended in the creation of the district, and which plans contemplate improvements supervised by the respective state authorities under the provisions of the General Law.

Sec. 15. Said district shall have and may exercise such functions,

powers, authority, rights and duties as may permit the accomplishment of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements reservoirs, dams, canals, laterals, plants, works and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and/or without said district of lands, rights-of-way, water rights, and all other properties, tenements, easements and all other rights incident, helpful to or in aid of carrying out the purposes of said district as herein defined; and this Act in all of its terms and provisions shall be liberally construed to effectuate each and all of the purposes thereof.

Sec. 16. Said district may borrow money from the Federal Emergency Administration of Public Works of the United States, or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, certificates of indebtedness or other forms of obligations of such district, payable solely out of the revenues to be derived from said improvements and facilities and the operations and services thereof.

Sec. 17. Each issue of obligations authorized hereunder shall constitute a separate series and shall be appropriately designated. Such obligations shall not constitute an indebtedness or pledge of the credit of such district, shall never be paid in whole or in part out of any funds raised or to be raised by taxation, and shall contain a recital to that effect. All obligations issued hereunder shall be in registered or coupon form and if in coupon form may be registerable as to principal only, or as to both principal and interest, shall bear interest at a rate not to exceed six per cent per annum, payable annually or semi-annually, and shall be in such denominations and shall mature serially or at one time not more than fifty years from their date in such manner as may be provided by the Board of Directors. Principal of and interest on such obligations shall be made payable at any place or places within

or without the State of Texas and in the discretion of the Board of Directors such obligations may be made redeemable at the option of said Board prior to maturity at such premium or premiums as the Board shall determine. Such obligations shall be signed by the president and secretary of the Board of Directors, and the interest coupons attached thereto may be executed with the facsimile signatures of such officers. Such obligations shall be sold in such manner and at such time as the Board of Directors shall determine to be expedient and necessary to the interests of the district, provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than six per cent computed to maturity according to standard bond tables in general use by banks and insurance companies. In the event any of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless, shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

Sec. 18. Any obligations issued hereunder may be issued payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of the district, exclusive of any revenues derived from taxation or assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specified part of the revenues derived from the operation of the improvements and facilities of the district, all as may be provided in the proceedings authorizing the issuance of such obligations. If more than one series of obligations shall be issued under the provisions of this Act payable from and secured by identical revenues, priority of lien against such revenues shall depend on the time of delivery of such obligations, each series enjoying a lien against

such revenues prior and superior to that enjoyed by any other series of obligations subsequently delivered, provided, however, that as to any issue or series of obligations which may be authorized as a unit but delivered from time to time in blocks, the Board of Directors may in the proceedings authorizing the issuance of such obligations provide that all of the obligations of such series or issue shall be co-equal as to lien regardless of the time of delivery.

Sec. 19. Any resolution or order authorizing the issuance of obligations under the provisions hereof shall provide for the creation of a sinking fund into which shall be paid from the revenues pledged to the payment of such obligations from month to month as said revenues are collected, sums fully sufficient to pay principal of and interest on such obligations. The money in such sinking fund shall be applied solely to the payment of interest on the obligations for the payment of which such fund is created and for the retirement of said obligations at or prior to maturity in the manner herein provided. The Board of Directors may at the time obligations are authorized hereunder provide that all money in such sinking fund in excess of the amount required for the payment of interest on and principal of such outstanding obligations for such period as it may determine shall be expended once each year pursuant to its order in the purchase of obligations for the account of which such sinking fund has been accumulated, if any such obligations can be purchased at a price which shall seem reasonable to the Board, and may provide that in the event such obligations contain an option permitting retirement prior to maturity then such excess sums shall be paid out as aforesaid for the purchase of such obligations, but that if the Board shall be unable to so purchase sufficient obligations of said issue to absorb all such surplus it shall call for redemption a sufficient amount of such obligations to absorb so far as practicable the entire surplus remaining in said sinking fund. It may be provided that any excess in the sinking fund which cannot be applied to the purchase or redemption of obligations shall remain in said sinking fund to be used

for payment of principal or interest when due, or for the subsequent call of obligations for purchase or redemption in the manner above provided.

Sec. 20. Any resolution or order authorizing the issuance of obligations hereunder may contain such covenants with the holders of the obligations as to the management and operation of said improvements and facilities, collection of fees and charges for the use thereof, disposition of such fees and charges, issuance of future obligations and creation of future liens, mortgages and encumbrances against said improvements and facilities, and the revenues thereof and other pertinent matters, as may be deemed necessary to insure the marketability of said obligations, provided such covenants are not inconsistent with the provisions of this Act.

Sec. 21. Any resolution or order authorizing the issuance of obligations hereunder shall provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month as the same shall accrue and be received, be set apart and placed in the sinking fund and disbursed in the manner hereinabove provided. In fixing and determining the amount of revenues which shall be so set aside, the Board of Directors shall provide that the amount to be set aside and paid into said fund in any year or years shall be not less than a fixed sum, which sum shall be at least sufficient to provide for the payment of the interest on and principal of all obligations maturing and becoming payable in each such year, together with a surplus or margin of ten per cent in excess thereof.

Sec. 22. Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit, action, mandamus, or other proceeding, enforce and compel performance of all duties required by this Act to be performed by the Board of Directors, including the making and collecting of reasonable and sufficient fees or charges for the use of the improvements and facilities of the district, the segregation of the income and revenues of such

improvements and facilities, and the application of such income and revenues pursuant to the provisions of this Act. If there be any default in the payment of the principal of or interest on any of such obligations, any holder thereof shall be entitled to have an administrator or receiver appointed by any court having jurisdiction to administer and operate the improvements and facilities, the revenues of which are pledged to the payment of such obligations, in behalf of the district and the holders of such obligations, with power to fix and collect fees and charges sufficient to provide for the payment of operation and maintenance expenses as hereinabove defined, and to pay any obligations or interest coupons outstanding payable from the revenues of such improvements and facilities, and to apply the income and revenues thereof in conformity with the provisions of this Act and the proceedings authorizing the issuance of said obligations.

Sec. 23. As additional security for the payment of any obligations issued hereunder, the Board of Directors may in its discretion have executed in favor of the holders of such obligations an indenture mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities and properties of the district, and may provide in such encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture may contain such terms and provisions as the Board of Directors shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be and hereby are vested with a permit and franchise to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as

may theretofore have been enjoyed by the district in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities and properties for diversion to other purposes. Any statutes of the State of Texas pertaining to the granting of franchises shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise hereunder.

Sec. 24. The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the Board of Directors, and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the statutes of Texas pertaining to the deposit of the district funds in the depository of such district shall not be applicable to the deposit of the proceeds of such sale. Any part of the proceeds of the sale of obligations issued hereunder which may remain unexpended after the project for which the obligations were authorized has been completed may be paid into the sinking fund for the payment of said obligations and be used only for the payment of principal of such obligations, or for the purposes of acquiring such outstanding obligations by purchase in the manner hereinabove provided.

Sec. 25. The Board of Directors is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which such Board shall agree to keep all of the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water or flood, and also from any other hazards customarily insured against by private companies operating similar proper-

ties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense and such insurance shall be carried for the benefit of the holders of such obligations.

Sec. 26. Any obligations issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision of taxing district of the State.

Sec. 27. Such district issuing obligations under the provisions hereof may thereafter authorize and issue its refunding obligations on such terms as its Board of Directors may deem advisable for the purpose of providing for the retirement of any such outstanding obligations, either due or to become due, which refunding obligations may be either exchanged for like par amounts of such outstanding obligations or may be sold and the proceeds of the sale so applied. Any refunding obligations authorized and issued pursuant hereto shall be subject to the provisions of this Act pertaining to the issuance of other obligations and shall be secured in all respects to the same extent and be payable from the same revenues as were the obligations refunded thereby.

Sec. 28. This Act, without reference to other statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein authorized to be done, and no proceedings relating to the authorization or issuance of such obligation or the doing of such things shall be necessary except such as are herein required, and neither the Bond and Warrant Law of 1931 or any other provisions of the laws of the State of Texas pertinent to the authorization or issuance of obligations, the operation and maintenance of such improvements and facilities, the granting of franchises or permits, the right to elections or referendum petitions, or in anywise impeding or restricting the carrying out of the acts authorized to be done hereunder, shall be construed as applying

to any proceedings had hereunder or acts done pursuant hereto.

Sec. 29. Nothing in this Act shall be construed as affecting any existing rights or existing priorities in the rights to water from the source of supply and neither the formation of the district hereunder nor a contract for the purchase of water with such district shall ever be held to be an abandonment of waiver of said rights or priorities, or an abandonment of the original point of diversion from the source of supply, but all such rights existing at the time of the formation of such district shall be preserved.

Sec. 30. If any paragraph, clause or provisions of this Act shall be held unconstitutional, the validity of the other provisions of this Act shall not be affected thereby, but shall remain in full force and effect.

Sec. 31. The importance of this legislation to the section of the State affected thereby creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after the passage thereof, and it is so enacted.

REDDITT.

Read and adopted.

Amendment No. 2.

Amend S. B. No. 38, by striking out all above the enacting clause and inserting the following:

An Act creating "Lower Neches Valley Authority," a conservation and reclamation district under and with the powers provided in Section 59 of Article 16 of the Constitution, to conserve, control and utilize the waters of the Neches River and its tributaries, including its storm and flood waters, except said district shall have no power of taxation nor right to create any debt payable out of taxation, defining the boundaries thereof, providing for control through Board of Directors, their appointment, qualifications and tenure, their organization and powers; authorizing the storing, controlling, conservation and distribution of storm and flood waters of Neches River and its tributa-

ries, within and/or without such district, for irrigation, domestic, industrial and municipal uses, and also for hydroelectric power, with authority to make contracts with water users and to establish and collect maintenance and operation charges for water service, also authorizing all contracts, leases and agreements necessary or convenient with any person, corporation or government, including the United States Government and State of Texas, or their agencies, and authorizing conveyance of the district's properties, improvements and facilities to the United States, or any agency thereof, and a lease thereof with the United States, or any agency thereof, with the rentals payable out of the revenues of such district; subordinating such district to the control of the State Board of Water Engineers, or other State agency; providing for acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities necessary or proper within or without said district, including the right of eminent domain, and authorizing such district to borrow money from the Federal Emergency Administration of Public Works, or other United States agency, and from other persons, and secure payment thereof by first and/or second mortgage and encumbrance on all of the district's properties, improvements and facilities, and/or the revenues and income to be derived therefrom; providing for the issuance of interest bearing obligations therefor; prescribing their terms, conditions of issuance and prohibiting their payment out of any taxation or involuntary assessment; authorizing the grant to the purchaser of such properties under foreclosure sale of a franchise and permit to operate such improvements and facilities; authorizing the refunding of any obligations issued hereunder; authorizing the holder of any such obligations to enforce by legal proceedings performance of duties required by this Act to be performed by such Board of Directors of said district, and in the

event of any default on any such obligations to have an administrator or receiver appointed to administer and operate such properties in order to obtain payment of such obligations; preserving the water rights of existing water users; prescribing all necessary details; providing if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency.

REDDITT.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 38 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Oneal. Woodul.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

Nays—1.

Collie.

Absent—Excused.

Oneal.

Woodul.

Senators Excused.

On motion of Senator Collie, Senators Hopkins and Woodul were excused for the remainder of the afternoon on account of important business.

Senate Bill No. 51.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Regan:

S. B. No. 51, A bill to be entitled "An Act amending Chapter 76, Acts of the Regular Session of the Forty-third Legislature and providing for the government of water power control districts and water improvement districts organized or hereafter organized in accordance with the provisions of Chapter 247, Acts of the Fortieth Legislature, and governed by the provisions of Chapter Two (2), Title 128, Revised Civil Statutes and amendments thereto, and which include within their area or boundaries parts of several organized water improvement districts and/or irrigation districts and/or irrigation plants or water plants not organized as defined districts, providing for changing the name of such district to include the name water power control districts, etc.; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 51 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.
Blackert.
Collie.
Cousins.

DeBerry.
Duggan.
Fellbaum.
Greer.

Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Neal.
Pace.
Parr.
Patton.
Poage.

Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodward.

Absent—Excused.

Oneal.

Woodul.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.
Blackert.
Collie.
Cousins.
Duggan.
Fellbaum.
Greer.
Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Neal.

Pace.
Parr.
Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodward.

Nays—1.

DeBerry.

Absent—Excused.

Oneal.

Woodul.

Senate Bill No. 56.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Cousins:

S. B. No. 56, A bill to be entitled "An Act to vest in the United States Government fee simple title to 20.8 acres of land in Jefferson County, Texas; and declaring an emergency."

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 56 was put on its second reading by the following vote:

Yeas—30.

Beck.
Blackert.
Collie.

Cousins.
DeBerry.
Duggan.

Fellbaum.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodward.

Absent—Excused.

Woodul.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 56 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Woodul.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.

Neal.	Redditt.
Oneal.	Regan.
Pace.	Russek.
Parr.	Sanderford.
Patton.	Small.
Poage.	Stone.
Purl.	Woodruff.
Rawlings.	Woodward.

Absent—Excused.

Woodul.

House Bill No. 59.

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 59, A bill to be entitled "An Act to prohibit the trapping or hunting with guns of wild foxes, or having in possession the pelts thereof in Upshur County; providing a penalty; providing that farmers or poultry raisers may kill such foxes while in the act of actually destroying chickens or other poultry or farm animals; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 59 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Woodul.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

Absent—Excused.

Woodul.

Senate Bill No. 35.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Neal:

S. B. No. 35, A bill to be entitled "An Act amending S. B. No. 86, Acts of the First Called Session of the Forty-first Legislature by authorizing the receiving of gifts and donations for rehabilitation work, said gifts and donations to be deposited in the State Treasury, subject to the matching of same with Federal funds to a limited amount; and declaring an emergency."

The bill was read second time.

Senator Purl sent up the following amendment:

Provided no person shall ever receive any commission in whole or in part for solicitation of any funds as provided in this Act.

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 35 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodward.

Absent—Excused.

Woodul.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Woodul.

Senate Bill No. 27.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Parr:

S. B. No. 27, A bill to be entitled "An Act to amend Article 2938 of the Revised Civil Statutes of Texas, 1925, relating to the appointment of election judge and clerks in election precincts where there are one hundred citizens, or more who have paid their poll tax or received their certificate of exemption, etc., and declaring an emergency."

The bill was read second time and passed to engrossment by the following vote:

Yeas—13.

Blackert.	Hornsby.
Fellbaum.	Moore.

Neal.
Pace.
Parr.
Patton.
Rawlings.

Redditt.
Russek.
Sanderford.
Stone.

Nays—12.

Collie.
Cousins.
DeBerry.
Duggan.
Greer.
Holbrook.

Murphy.
Poage.
Purl.
Regan.
Woodruff.
Woodward.

Present—Not Voting.

Small.

Absent.

Beck.
Martin.

Oneal.

Absent—Excused.

Hopkins. Woodul.

The motion to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—17.

Blackert.
Fellbaum.
Greer.
Hornsby.
Moore.
Neal.
Pace.
Parr.
Patton.

Purl.
Rawlings.
Regan.
Russek.
Sanderford.
Stone.
Woodruff.
Woodward.

Nays—7.

Collie.
Cousins.
DeBerry.
Duggan.

Holbrook.
Murphy.
Poage.

Absent.

Beck.
Martin.
Oneal.

Redditt.
Small.

Absent—Excused.

Hopkins. Woodul.

(Four-fifths vote required.)

Senate Bill No. 48.

Senator Fellbaum asked unanimous consent to take up S. B. No. 48.

Senator Holbrook moved to re-

fer the bill to the Finance Committee.

Senator Sanderford moved to table the motion. The motion to table was lost by the following vote:

Yeas—12.

Beck.
Blackert.
Fellbaum.
Moore.
Murphy.
Pace.

Parr.
Patton.
Regan.
Russek.
Sanderford.
Stone.

Nays—12.

Collie.
Cousins.
DeBerry.
Duggan.
Greer.
Holbrook.

Hornsby.
Poage.
Purl.
Redditt.
Small.
Woodruff.

Present—Not Voting.

Neal.

Absent.

Martin.
Oneal.

Rawlings.
Woodward.

Absent—Excused.

Hopkins. Woodul.

The motion to re-refer prevailed.

Senate Bill No. 52.

Senator DeBerry moved to withdraw S. B. No. 52 from the Committee on Agricultural Affairs and to re-refer it to the Finance Committee. The motion prevailed.

House Bill Referred.

H. B. No. 12 read and referred to Committee on State Affairs.

Adjournment.

On motion of Senator Poage, the Senate, at 4:27 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Fort Worth, Texas, Oct. 2, 1933.

Hon. Walter Woodul,

Care Senate Chamber, Austin.

Representatives of organized labor in session here today from practi-

cally every city in Texas unanimously and whole heartedly approve your action in introducing bill to regulate and control operations of loan sharks in Texas. Please convey to your colleagues that labor is one hundred per cent for this legislation and we hope for its immediate passage. Our convention delegated me to send this message through you to all members of the Texas Legislature. Cordially.

GEORGE H. SLATER,
Executive Secretary, Texas State
Federation of Labor.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 12 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 10 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 31 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 24 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 41 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Congressional Districts, to whom was referred

S. B. No. 64, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, transferring Duval County from the 14th District to the 15th District, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GREER, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 26, A bill to be entitled "An Act donating and granting State ad valorem taxes collected upon property in Kenedy County, including county's apportioned tax on railroad rolling stock, to the County of Willacy; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendment.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 19, A bill to be entitled "An Act validating and legalizing the creation of navigation districts heretofore created under authority

of Section 52, Article 3 of the Constitution of Texas, and which have thereafter been converted into navigation districts under Section 59 of Article 16 of the Constitution and as provided by Section 1 of Chapter 103 Acts of the Forty-first Legislature 1929, First Called Session; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 5, A bill to be entitled "An Act prohibiting inquiry concerning the religious affiliations of persons seeking employment or official position in the public schools, providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 21, A bill to be entitled "An Act authorizing the State Board of Education to create and establish school districts at military reservations located within the State of Texas upon such terms and conditions as agreed upon by and between said Board and the War Department of the United States Government; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 45, A bill to be entitled "An Act providing an open season or period of time for taking wild ducks, geese and/or brant; providing a bag limit; providing a penalty for violation; repealing all laws in so far as they may conflict with any provision of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Sept. 29, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 39, A bill to be entitled "An Act creating 'Lower Neches Valley Authority,' a conservation and reclamation district under and with the powers provided in Section 59, of Article 16, of the Constitution, to conserve, control and utilize the storm and flood waters of the Neches River and its tributaries, except said district shall have no power of taxation nor right to create any debt payable out of taxation; defining the boundaries thereof, providing for control through board of directors, their appointment, qualifications and tenure, their organization and powers; authorizing the storing, controlling, conservation and distribution of storm and flood waters of Neches River and its tributaries, within and/or without such district, for irrigation, domestic, industrial and municipal uses, and also for hydroelectric power, with authority to make contracts with water users and to establish and collect maintenance and operation charges for water service, also authorizing all contracts, leases and agreements necessary or convenient with any person, corporation or government, including the United States Government and State of Texas, or their agencies, and authorizing conveyance of the district's properties, improvements and facilities to the United States, or any agency thereof, and a lease thereof with the United States, or any agency thereof, with the rentals payable out of the rev-

enues of such district; subordinating such district to the control of the State Board of Water Engineers, or other state agency; providing for acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works, and facilities necessary or proper within or without said district to borrow money from the Federal Emergency Administration of Public Works or other United States agency and from other persons, and secure payment thereof by first and/or second mortgage and encumbrance on all of the district's properties, improvements and facilities and the revenues and income to be derived therefrom; providing for the issuance of interest bearing obligations therefor; prescribing their terms, conditions or issuance, and prohibiting their payment out of any taxation or involuntary assessment; preserving the water rights of existing water users; providing if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 65, A bill to be entitled "An Act providing for payment of the salary of the Ex-Officio Superintendent of Public Instruction in all counties having not less than 3,000 and not more than 3,100 population, according to the last preceding Federal Census, from the County Available School Fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 54, A bill to be entitled "An Act levying a tax of one-tenth of one cent per barrel on crude petroleum, to be used by the Railroad Commission of Texas in carrying out the conservation laws relating to oil and gas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments and that it be not printed (an advance printing having already been ordered).

HOLBROOK, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 54, Section 1, page 1, by striking out the last paragraph of said section and being lines 57 to 59 inclusive.

Committee Amendment No. 2.

Amend H. B. No. 54, Section 3, page 2, so said section being amended shall read as follows:

Sec. 3. The Railroad Commission of Texas is hereby authorized and directed, in addition to the employees specifically provided for by the General Appropriation Act of the Forty-third Legislature for the Oil and Gas Division of said commission, to employ such other supervisors, deputy supervisors, assistants and clerical help as may be necessary to carry out the provisions of the conservation laws of this State relating to oil and gas, such additional employees to be paid out of the funds derived from the tax herein levied. The salaries of such employees shall be fixed by the Railroad Commission, such salaries to be reasonable and not to exceed the following scale: Assistant Deputy Supervisors not exceeding Sixteen Hundred Eighty (\$1680.00) Dollars per year; Assistant Inspectors not exceeding Sixteen Hundred Eighty (\$1680.00) Dollars per year; Bookkeepers not exceeding Fifteen Hundred (\$1500.00) Dollars per year; Stenographers not exceeding Twelve Hundred (\$1200.00) per year; typist and filing clerks not exceeding One Thousand and Eighty

(\$1,080.00) per year; for any other position not specifically provided for herein not exceeding Fifteen Hundred (\$1500.00) Dollars per year.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 33, A bill to be entitled "An Act making an appropriation of the unexpended balance to the credit of the separate fund provided for by Section 9, S. B. No. 111, passed at the Second Called Session of the Forty-first Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 51, A bill to be entitled "An Act amending Chapter 76, Acts of the Regular Session of the Forty-third Legislature and providing for the government of Water Power Control Districts and Water Improvement Districts organized or hereafter organized in accordance with the provisions of Chapter 247, Acts of the Fortieth Legislature, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COUSINS, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 29, A bill to be entitled "An Act to authorize the withdrawal or exclusion of lands from Water Control and Improvement Districts which embrace lands in two or more counties, and containing not less than one hundred twenty-five thou-

sand acres after the provisions hereof are adopted by a two-thirds vote of the Board of Directors of any such district, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed because of advance printing.

COUSINS, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 45, A bill to be entitled "An Act validating and legalizing the creation of navigation districts heretofore created under authority of Section 52, Article 3, of the Constitution of Texas, and which have thereafter been converted into navigation districts under Section 59 of Article 16 of the Constitution and as provided by Section 1, of Chapter 103, Acts of the Forty-first Legislature, 1929, First Called Session, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed because of advance printing.

COUSINS, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 38, A bill to be entitled "An Act to amend H. B. No. 725, Chapter 89, Acts of the Forty-second Legislature passed at its Regular Session in 1931, authorizing any navigation district created for the development of deep water navigation which may now have, or may hereafter have, within its boundaries a city of not less than twenty-seven thousand nor more than twenty-eight thousand inhabitants as shown by the Federal census, last preceding such action, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass, and be not printed because of advance printing.

COUSINS, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 11, Granting permission to Mrs. C. B. Spooner to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 32, A bill to be entitled "An Act to aid the City of Palacios and the village of Collegeport, Matagorda County, Texas, in constructing and maintaining sea walls, breakwaters, shore protection, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to provide for the suppression of typhus fever in Texas through the control of rodent transmitters thereof."

Have had the same under consideration and request that this bill be re-referred to the Committee on Finance.

BECK, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 56, A bill to be entitled "An Act to vest in the United States Government fee simple title to 20.8 acres of land in Jefferson County, Texas, more fully described herein; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 59, A bill to be entitled "An Act to prohibit the trapping or hunting with guns of wild foxes, or having in possession the pelts thereof in Upshur County; providing a penalty; providing that farmers or poultry raisers may kill such foxes while in the act of actually destroying chickens or other poultry or farm animals; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

H. C. R. No. 14, Protesting the passage of the so-called Duck Stamp Bill which will come up for action in the First Session of the Seventy-third Congress in 1934 and urging the Honorable Morris Sheppard and Tom Connally, United States Senators from Texas, and all Texas members of the House of Representatives in Congress to vote against this bill and do all in their power to not allow its passage.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BLACKERT, Vice-Chairman.

Committee Room,
Austin, Texas, October 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred H. C. R. No. 10, Relative to memorializing and petitioning the President of the United States to use the power granted by Congress in issuing currency to facilitate the payment of bonded indebtedness which has been incurred by past expenditures.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BLACKERT, Vice-Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 58, A bill to be entitled "An Act to provide for the sale by the State to the City of Port Arthur, Texas, a municipal corporation, and its assigns, a certain tract or area of land situated in Jefferson County, Texas, same being submerged land constituting a part of the bed of Sabine Lake, retaining to the State all mineral rights therein; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 48, A bill to be entitled "An Act authorizing the State Comptroller of Public Accounts to prescribe and prepare forms to be used in all counties in the collection and disbursement of revenues, funds, fees, and other moneys, and to prescribe the mode and manner of keeping and stating their financial accounts; authorizing the State Comptroller to make a survey and study

of the financial records, reports, books and forms now in use by the counties of this State, and to make such revision and to prescribe such forms which may be necessary; and authorizing the State Comptroller to employ a certified public accountant for said purposes; making an appropriation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,
Austin, Texas, October 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 57, A bill to be entitled "An Act authorizing navigation districts without the voting of bonds or levying of taxes to acquire, purchase, take over, construct, enlarge, extend, repair, maintain, operate, or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, and facilities, lightering, barges, towing facilities and all other facilities or aids incident to or necessary toward the operation or development of ports or waterways within such districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the following committee substitute therefor do pass in lieu thereof.

REDDITT, Chairman.

By Cousins, Wood- C. S. S. B. No. 57.
ul, Redditt, Patton, Sanderford,
et al.

A BILL

To Be Entitled

An Act authorizing navigation districts to acquire, purchase, construct, enlarge, extend, repair, maintain, operate or develop certain improvements and facilities without taxation; to secure funds for such purposes by the issuance of obligations of the district payable solely from the revenues to be derived from the improvements

and facilities of such districts; to fix and collect fees and charges for the use of such improvements and facilities; to pledge to the payment of such obligations the income and revenues of such improvements and facilities and to encumber and mortgage such improvements and facilities as additional security for the payment of such obligations; providing remedies in case of default; to grant to the purchaser of such improvements and facilities at foreclosure sale a franchise and permit to operate such improvements and facilities; to enter into contracts, leases and agreements in connection with the powers granted hereby; to refund any obligations issued hereunder; making obligations issued pursuant hereto exempt from taxation; authorizing the conversion of districts organized under Section 52, Article 16 of the Constitution; prescribing all necessary details; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any navigation district heretofore organized or hereafter to be organized under any of the provisions of the Constitution or Laws of the State of Texas, in addition to all other powers conferred by law is hereby given authority and shall hereafter have power in the manner hereinafter provided to acquire, purchase, construct, enlarge, extend, repair, maintain, operate or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants and facilities, lightering facilities, barges, tow-boats and towing facilities and everything appurtenant thereto, together with all other facilities or aids incident to or useful in the operation or development of the district's ports and waterways or in aid of navigation and commerce thereon.

Sec. 2. The Board of Navigation and Canal Commissioners of any district taking advantage of the provisions of this Act shall prescribe fees and charges to be collected for the use of the improvements and facilities of such district and for the use of any improvements or facilities acquired under the provisions of this Act, which fees and charges shall be reasonable and equitable and fully

sufficient to produce revenues adequate to pay, and said Board of Navigation and Canal Commissioners shall cause to be paid:

(a) All expenses necessary to the operation and maintenance of said improvements and facilities. Such operating and maintenance expenses shall include the cost of the acquisitions of properties and materials necessary to maintain said improvements and facilities in good condition and operate them efficiently, wages and salaries paid to the employees of the District in that connection, and such other expenses as may be necessary to the efficient operation of said improvements and facilities.

(b) The annual or semi-annual interest upon any obligations issued hereunder and payable out of the revenues of said improvements and facilities.

(c) The amount required to be paid annually into the sinking fund for the payment of any obligations issued hereunder and payable out of the revenues of said improvements and facilities.

No other charge shall be made upon the revenues derived from said improvements and facilities so long as any obligations issued hereunder shall remain outstanding and unpaid as to principal or interest; provided, however, that out of revenues which may be received in excess of those required for the purposes listed in the above sub-paragraphs (a), (b) and (c) the Board of Navigation and Canal Commissioners may pay the cost of improvements and replacements not covered by said paragraph (a) and may establish a depreciation fund.

Sec. 3. The Board of Navigation and Canal Commissioners of any such navigation district may borrow money from the Federal Emergency Administration of Public Works of the United States, or from any other department or agency of the United States, or from any other source, and in evidence thereof issue the notes, warrants, certificates of indebtedness or other forms of obligation of such district payable solely out of the revenues to be derived from said improvements and facilities, for the purpose of obtaining funds to acquire, purchase, construct, enlarge, extend, repair, main-

tain, operate or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants and facilities, lightering facilities, barges, tow-boats, towing facilities, and everything appurtenant thereto, together with all other facilities or aids incident to or useful in the operation or development of the district's ports and waterways or in aid of navigation and commerce therein.

Sec. 4. Each issue of obligations authorized hereunder shall constitute a separate series and shall be appropriately designated. Such obligations shall not constitute an indebtedness or pledge of the credit of such district, shall never be paid in whole or in part out of any funds raised or to be raised by taxation, and shall contain a recital to that effect. All obligations issued hereunder shall be in registered or coupon form and if in coupon form may be registerable as to principal only, or as to both principal and interest, shall bear interest at a rate not to exceed six per cent per annum, payable annually or semi-annually, and shall be in such denominations and shall mature serially or at one time not more than forty years from their date in such manner as may be provided by the Board of Navigation and Canal Commissioners. Principal of and interest on such obligations shall be made payable at any place or places within or without the State of Texas and in the discretion of the Board of Navigation and Canal Commissioners such obligations may be made redeemable at the option of said board prior to maturity at such premium or premiums as the board shall determine. Such obligations shall be signed by the Chairman and Secretary of the Board of Navigation and Canal Commissioners under the seal of said district, and the interest coupons attached thereto may be executed with the facsimile signatures of such officers. Such obligations shall be sold in such manner and at such time as the Board of Navigation and Canal Commissioner shall determine to be expedient and necessary to the interests of the district, provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than six per cent computed to maturity according to

standard bond tables in general use by banks and insurance companies. In the event any of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless, shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

Sec. 5. Any obligations issued hereunder may be issued and payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of the district, exclusive of any revenues derived from taxation or assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specified part of the revenues derived from the operation of the improvements and facilities of the district, all as may be provided in the proceedings authorizing the issuance of such obligations. If more than one series of obligations shall be issued under the provisions of this Act payable from and secured by identical revenues, priority of lien against such revenues shall depend on the time of delivery of such obligations, each series enjoying a lien against such revenues prior and superior to that enjoyed by any other series of obligations subsequently delivered, provided, however that as to any issue or series of obligations which may be authorized as a unit but delivered from time to time in blocks, the Board of Navigation and Canal Commissioners may in the proceedings authorizing the issuance of such obligations provide that all of the obligations of such series or issue shall be coequal as to lien regardless of the time of delivery.

Sec. 6. Any resolution or order authorizing the issuance of obligations under the provisions hereof shall provide for the creation of a sinking fund into which shall be paid from the revenues pledged to the payment of such obligations from month to month as said revenues are

collected, sums fully sufficient to pay principal of and interest on such obligations. The money in such sinking fund shall be applied solely to the payment of interest on the obligations for the payment of which such fund is created and for the retirement of said obligations at or prior to maturity in the manner herein provided. The Board of Navigation and Canal Commissioners may at the time obligations are authorized hereunder provide that all money in such sinking fund in excess of the amount required for the payment of interest on and principal of such outstanding obligations for such period as it may determine shall be expended once each year pursuant to its orders in the purchase of obligations for the account of which such sinking fund has been accumulated, if any of such obligations can be purchased at a price which shall seem reasonable to the board, and may provide that in the event such obligations contain an option permitting retirement prior to maturity then such excess sums shall be paid out as aforesaid for the purchase of such obligations, but that if the board shall be unable to so purchase sufficient obligations of said issue to absorb all such surplus it shall call for redemption a sufficient amount of such obligations to absorb so far as practicable the entire surplus remaining in said sinking fund. It may be provided that any excess in the sinking fund which cannot be applied to the purchase or redemption of obligations shall remain in said sinking fund to be used for payment of principal or interest when due, or for the subsequent call of obligations for purchase or redemption in the manner above provided.

Sec. 7. Any resolution or order authorizing the issuance of obligations hereunder may contain such covenants with the holders of the obligations as to the management and operation of said improvements and facilities, collection of fees and charges for the use thereof, disposition of such fees and charges, issuance of future obligations and creation of future liens and encumbrances against said improvements and facilities and the revenues thereof and other pertinent matters, as may be deemed necessary to insure the marketability of said obliga-

tions, provided such covenants are not inconsistent with the provisions of this Act.

Sec. 8. Any resolution or order authorizing the issuance of obligations hereunder shall provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month as the same shall accrue and be received, be set apart and placed in the sinking fund and disbursed in the manner hereinabove provided. In fixing and determining the amount of revenues which shall be so set aside, the Board of Navigation and Canal Commissioners shall provide that the amount to be set aside and paid into said fund in any year or years shall be not less than a fixed sum, which sum shall be at least sufficient to provide for the payment of the interest on and principal of all obligations maturing and becoming payable in each such year, together with a surplus or margin of ten per cent in excess thereof.

Sec. 9. Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit, action, mandamus, or other proceeding, enforce and compel performance of all duties required by this Act to be performed by the Board of Navigation and Canal Commissioners, including the making and collection of reasonable and sufficient fees or charges for the use of the improvements and facilities of the district, the segregation of the income and revenue of such improvements and facilities, and the application of such income and revenue pursuant to the provisions of this Act. If there be any default in the payment of the principal of or interest on any of such obligations, any holder thereof shall be entitled to have an administrator or receiver appointed by any court having jurisdiction to administer and operate the improvements and facilities, the revenues of which are pledged to the payment of such obligations, in behalf of the navigation district and the holders of such obligations, with power to fix and collect fees and charges sufficient to provide for the payment of operation and maintenance expenses as hereinabove defined, and to pay any obligations or interest coupons out-

standing payable from the revenues of such improvements and facilities, and to apply the income and revenues thereof in conformity with the provisions of this Act and the proceedings authorizing the issuance of said obligations.

Sec. 10. As additional security for the payment of any obligations issued hereunder, the Board of Navigation and Canal Commissioners may in its discretion have executed in favor of the holders of such obligations and indenture mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and may provide in such encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture may contain such terms and provisions as the Board of Navigation and Canal Commissioners shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be and hereby are vested with a permit and franchise to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the district in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities and properties for diversion to other purposes. Any statutes of the State of Texas pertaining to the granting of franchises shall not be applicable to the authorization or execution of any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor

to the granting of any franchise hereunder.

Sec. 11. The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the Board of Navigation and Canal Commissioners, and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the statutes of Texas pertaining to the deposit of navigation district funds in the depository of such district shall not be applicable to the deposit of the proceeds of such sale. Any part of the proceeds of the sale of obligations issued hereunder which may remain unexpended after the project for which the obligations were authorized has been completed may be paid into the sinking fund for the payment of said obligations and be used for the payment of principal of such obligations, or for the purposes of acquiring such outstanding obligations by purchase in the manner hereinabove provided.

Sec. 12. The Board of Navigation and Canal Commissioners is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which such board shall agree to keep all of the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water or flood, and also from any other hazards customarily insured against by private companies operating similar properties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense and such insurance shall be carried for the benefit of the holders of such obligations.

Sec. 13. Any navigation district taking advantage of the terms of this Act, in addition to the other powers hereinabove set out, shall have general power and authority to make and enter into all contracts, leases and agreements necessary or convenient to the carrying out of any of the powers granted in this Act,

which contracts, leases or agreements may be entered into with any person, real or artificial, any corporation, municipal, public or private, and any government or governmental agency, including those of the United States and the State of Texas. Any and all contracts, leases or agreements entered into pursuant hereto shall be approved by resolution of the Board of Navigation and Canal Commissioners of such district, and shall be executed by the Chairman and attested by the Secretary thereof.

Sec. 14. Any obligations issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

Sec. 15. Any navigation district issuing obligations under the provisions hereof may thereafter authorize and issue its refunding obligations on such terms as its Board of Navigation and Canal Commissioners may deem advisable for the purpose of providing for the retirement of any such outstanding obligations, either due or to become due, which refunding obligations may be either exchanged for like par amounts of such outstanding obligations or may be sold and the proceeds of the sale so applied. Any refunding obligations authorized and issued pursuant hereto shall be subject to the provisions of this Act pertaining to the issuance of other obligations and shall be secured in all respects to the same extent and be payable from the same revenue as were the obligations refunded thereby.

Sec. 16. If the Board of Navigation and Canal Commissioners of any district heretofore organized under the provisions of Section 52 of Article 3 of the Constitution which has not become converted into a navigation district operating under the provisions of Section 59, Article 16 of the Constitution shall find it expedient in order to avail said district of the provisions of this Act to convert such district into a navigation district operating under the provisions of Section 59, Article 16, such conversion may be accomplished in the same manner and with like effect as provided by Section 1 of Chapter 103 of the General Acts of the First Called Session of the Forty-first Tex-

as Legislature, 1929, as now existing or hereafter amended, except that all proceedings and hearings had in connection with such conversion shall be adopted and conducted by the Board of Navigation and Canal Commissioners of said district instead of by the Navigation Board of said district.

Sec. 17. This Act shall be construed as cumulative authority for the accomplishment of the purposes herein mentioned and is not to be construed to repeal any existing laws on the same subject matter, it being the purpose and intent hereof to create an additional and alternate method for the accomplishment of such purposes. This Act, without reference to other statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein authorized to be done, and no proceedings relating to the authorization or issuance of such obligation or the doing of such things shall be necessary except such as are herein required, and neither the Bond and Warrant Law of 1931 or any other provisions of the laws of the State of Texas pertinent to the authorization or issuance of obligations, the operation and maintenance of ports, canals and waterways, the granting of franchises or permits, the right to elections or referendum petitions, or in anywise impeding or restricting the carrying out of the acts authorized to be done hereunder or acts done pursuant hereto. This Act being necessary for and intended to secure the safety, convenience and welfare of the citizens of navigation districts in the State of Texas, shall be liberally construed to effectuate the purposes hereof.

Sec. 18. No navigation district shall, in the operation, maintenance or repair of any improvements or facilities acquired, purchased or constructed under the provisions of this Act, incur any indebtedness or assume any liability or obligation payable out of taxes; and any and all liabilities and obligations so arising shall be payable solely out of the revenues from such improvements and facilities which may be applicable thereto as herein authorized.

Sec. 19. If any paragraph, clause or provision of this Act shall be held unconstitutional the remainder here-

of shall remain in full force and effect.

Sec. 20. The fact that there is now no general law available for the accomplishment of the purpose of this Act and that there is now available no law satisfactorily permitting navigation districts of the State of Texas to avail themselves of the provisions of the Public Works section of the National Industrial Recovery Act creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended and that this Act shall take effect and be in force from and after the passage thereof, and said rule is so suspended, and it is so enacted.

Committee Room,

Austin, Texas, October 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 53, A bill to be entitled "An Act to amend Section 6, Chapter 88 of the General Laws of the Forty-first Legislature, Second Called Session, by adding thereto Section 6A, so as to reduce registration license fees, on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof, in the transportation of his poultry, dairy, livestock and farm products, grown or produced by him, to market or to other points for processing, and for the transportation of supplies by the owner of such commercial motor vehicle from place of purchase to his own farm or ranch for his exclusive use; prescribing penalties for violation thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

RAWLINGS, Chairman.

By Moffett, et al. H. B. No. 53.

A BILL

To Be Entitled

An Act to amend Section 6, Chapter 88 of the General Laws of the Forty-first Legislature, Second Called Session, by adding thereto Section 6A, so as to reduce reg-

istration license fees, on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof, in the transportation of his poultry, dairy, livestock and farm products, grown or produced by him, to market or to other points for processing, and for the transportation of supplies by the owner of such commercial motor vehicle from place of purchase, to his own farm or ranch for his exclusive use; prescribing penalties for violation thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 6, Chapter 88, of the General Laws of the Forty-first Legislature, Second Called Session, be amended by adding thereto Section 6A, reading as follows:

"Sec. 6A. When a commercial motor vehicle sought to be registered is of gross weight and pounds of from one to six thousand pounds, or from six thousand and one to eight thousand pounds, and consists of a truck without a trailer or semi-trailer and is to be used by the owner thereof only in the transportation of his own poultry, dairy, livestock, and farm products to market, or to other points for processing, or the transportation by the owner thereof of supplies, from the place of purchase, to his own farm or ranch, exclusively for his own use, the registration license fee, for the weight classifications herein mentioned, shall be fifty per cent (50%) of the registration fee prescribed for these weight classifications in Section 6, of the Act hereby amended; provided further, that it shall be the duty of the Highway Commission to provide license plates of different color or size, so as to distinguish them from license plates issued for other commercial motor vehicles using the highways; provided further, if the owner of any commercial motor vehicle, coming within the provisions of this Act shall use or permit to be used any such vehicle for any other purpose than those provided for in this Act, he shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), and each use of such ve-

hicle and each permission for such use of such vehicle shall constitute a separate offense."

Sec. 2. The fact that there are a large number of farmers and ranchmen, who operate trucks without trailers or semi-trailers, for transportation of livestock, poultry, dairy and farm products, to market, and transportation of supplies for their

own use in their own motor vehicles and the fees now prescribed therefor are excessive, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

In Memoriam

Dick O. Terrell

Senate Simple Resolution No. 18.

Senator Holbrook delivered the following memorial to the Senate:

When on September 1st of the present year, the grim reaper with inverted torch, touched to dreamless sleep the eyes of Dick O. Terrell, there never passed from earth a soul of nobler build; and the hosts of evil were never happier when his sword of righteousness lay broken at the end of his finished career.

This lamented son of Texas was born in the town of Terrell on October 28, 1885, being the youngest of three sons of J. O. and Mattie Simpson Terrell. The town of Terrell was named for his forbears. His father was once a distinguished member of this Senate, and his brother, Chester, was a member of the House of Representatives; serving for a time as its Speaker.

He was graduated from the law school of the University of Texas on June 6, 1906, at the age of twenty-one. In 1909 he was married to Flossie Denman, daughter of Leroy G. Denman, who was one of the judges of the Supreme Court of Texas during Governor Hogg's administration.

After his graduation from the University he joined the law firm of Terrell & Terrell in San Antonio, composed of J. O. Terrell and his two sons, Chester and Marshall. Later on his father and brother Chester passed to their reward, and the law firm of Terrell, Davis, Huff and McMillan was formed, of which his brother Marshall and he were the head.

At the time of his death he was President of the San Antonio Chamber of Commerce, and Director General of the N. R. A. Campaign in Bexar County. He was a member of the Laurel Heights Methodist Church in San Antonio and had for years been active in the work of this church. He was also President of the Board of Trustees of Westmoorland College during the past ten years, and was instrumental in helping build the school from a small beginning to one of the recognized colleges of the South.

He had served as President of the local Kiwanis Club in San Antonio and at a later date was District Governor. He was a member of the Local, State, and American Bar Associations. He never took an active part in political matters but was always a leader in civic and local affairs.

His father was elected to the Senate the day he was born, and ever afterward affectionately referred to Dick as the "Little Senator."

The writer, and the Senator from Wichita, were students with Dick in the Law Department of the University of Texas and graduated with him in the same class. In his boyhood and young manhood no finer example of Texas youth could be found anywhere. He was clean and high minded in speech and in conduct, and his friendship for his fellows grew with increasing years. Since his school days until his untimely death he served with distinction in all of his endeavors. He was a leader in every move for the common good and never shirked an opportunity to so shed his light and influence that others seeing his good works might choose to follow in his footsteps.

He was a man of charming personality. His condemnation of wrong and hypocrisy was only equalled by his defense of truth and righteousness. He loved truth for truth's sake and scorned the demagogue and traitor, because these twin evils have been subversive to the foundation of orderly society. He used the highest type of diplomacy in his dealings with the public, but it was always founded on prudence and candor.

For more than a quarter of a century it has been my pleasure to watch his progress and the character of life he lived. I saw him frequently since the day we parted on the University campus, and went out into the world to fight our battles. Throughout that long period I honored and respected him in every step he took. He was a true son of the old South—suave in his demeanor, of unfailing courtesy, of stern convictions, of a woman's gentleness, yet brave as a lion. He was scrupulously honest, and had the greatest contempt for those who practiced duplicity of any man I ever knew, played the game of life fairly and expected others to do likewise.

His mind was of that rare quality and legal balance that comprehended all matters in their larger aspects, laying aside details to the firm grasp of the principles which they involved. With this fine quality of mind he combined a delightful frankness in his relations with his brethren at the bar. Always clear in his views, he possessed that real courage which counted it no weakness to yield when convinced that he was wrong.

One of the finest, outstanding characteristics of this gentle man was his simple, child-like faith. He had faith in himself, faith in his fellowman, and faith in the goodness of God. He viewed with optimism the whole field of life that stretched out before him, and firmly believed that eventually right would prevail over wrong and justice over injustice, wherever a contest had been waged. In this he carried out the truths and concepts of the fundamental thoughts instilled into his youthful mind by his distinguished father.

He has left a great and imperishable imprint upon the minds of those who knew him best, both in his private life and in his public conduct. He bore the insignia of an unselfish service to the community in which he lived, and in the splendid fruition of an upright life. In all that pertained to the progress and betterment of his country he was an outstanding heroic figure.

By reason of his profession he was given great opportunity to do good, which he in part created; and in each and every instance devoted his talents to splendid achievements—not for himself but for those he loved. Always and everywhere, those who observed and knew him best could find him spending and being spent in the interest of his adopted city. The character of his calling constantly brought him in contact with the poor as well as the rich, and in a goodly number of cases he handled, as is the custom with those who have dedicated their lives to the cause of a noble profession, he gladly administered to and advised with the poor and wretched without hope of fee or reward.

At all times and in all places he considered himself a plebian, but he was more than that—he was a commoner of the higher type; and his fine devotion to the welfare of his community will ever be remembered with thankfulness by those with whom he came in contact.

One of his greatest virtues was his modesty, and another his humility. He always submerged himself in whatever he undertook to do for others.

His course is run, and looking back upon his life's work we touch that part which enables us to accept the things he did at their true value, and appreciate their real meaning. It is certain that we do but render service to ourselves when we pause to look upon the lives of men like him, and steep ourselves in the memory of their virtues and their achievements.

Gentle, brave, honest, courtly and masterful of intellect, he has joined the countless host beyond the stars, leaving to his family and to his native state a priceless legacy of distinguished and unselfish service. In the beautiful Mission Park Cemetery in San Antonio, Texas, he sleeps beside his illustrious father and brother. These immortals and others, who in earlier days labored for the good of Texas, have welcomed him with joy on the other side. We bid him farewell, with the hope that he has found peace in a world where death comes not—where the partings shall be temporary, and the meetings shall be eternal.

At the meridian of life he was cut down by the only foe he could not conquer, and while he accomplished much during the forty-eight years he tarried here there was much more that he desired to do. Shortly before he was "called from labor to rest" he was happy in the busiest hours of his career. The sudden transition left his work unfinished, and to me, his death seems like—

A noontide sunset—not a sad eclipse,
Like one foretold by saintly prophet's lips,
But while the sun was high and shining clear,
The soul I leaned upon for help and cheer,
Passed on, along a glory-lighted way—
His sun gone down the while it yet was day.

I thought, indeed my friend would surely wait,
Till evening opened wide the sunset gate,
So full and strong, so warm his life and true,
And thus it seemed so much remained to do.
Why could he not have tarried all the day?
How can his work fare on, and he away?

Mr. President:—

Mindful of the virtues he possessed, and sorrowing with his family and friends, it is

RESOLVED, BY THE SENATE OF TEXAS, that this simple tribute of respect be printed on a special page in the Journal, and that a copy be sent to each member of his family; and that when the Senate adjourns for the day it do so in his memory.

HOLBROOK,	MARTIN,	REDDITT,
BECK,	MOORE,	REGAN,
BLACKERT,	MURPHY	RUSSEK,
COLLIE,	NEAL,	SANDERFORD,
COUSINS,	ONEAL,	SMALL,
DeBERRY,	PACE,	STONE,
DUGGAN,	PARR,	WOODRUFF,
FELLBAUM,	PATTON,	WOODUL,
GREER,	POAGE,	WOODWARD,
HOPKINS,	PURL,	LIEUT. GOV. WITT.
HORNSBY,	RAWLINGS,	

Read and adopted unanimously by a rising vote.